

REMARKS

This Amendment and Response to Final Office Action is being submitted in response to the final Office Action mailed January 31, 2008. Claims 32-59 are pending in the Application.

Claims 32-35 and 40-44 are rejected under 35 U.S.C. §103(a) as being unpatentable over Iwata (U.S. Pat. No. 5,687,168) in view of Davies *et al.* (U.S. Pat. No. 6,839,767), and in further view of Cortez *et al.* (U.S. Pat. No. 7,130,262).

Claims 36-39 are rejected under 35 U.S.C. §103(a) as being unpatentable over Iwata in view of Davies *et al.* and Cortez *et al.*, and in further view of Sridhar *et al.* (U.S. Pub. No. 20020073226).

Claim 45 is rejected under 35 U.S.C. §103(a) as being unpatentable over Iwata in view of Davies *et al.* and Cortez *et al.*, and in further view of Liu *et al.* (U.S. Pub. No. 20020097680).

Claim 46 is rejected under 35 U.S.C. §103(a) as being unpatentable over Iwata in view of Davies *et al.* and Cortez *et al.*, and in further view of Gangadharan (U.S. Pub. No. 20050163123).

Claim 47 is rejected under 35 U.S.C. §103(a) as being unpatentable over Iwata in view of Davies *et al.* and Cortez *et al.*, and in further view of Linzy (U.S. Pub. No. 20020019866).

Claims 48, 53, and 57-58 are rejected under 35 U.S.C. §103(a) as being unpatentable over Iwata in view of Cortez *et al.*

Claims 49 and 54 are rejected under 35 U.S.C. §103(a) as being unpatentable over Iwata in view of Cortez *et al.*, and in further view of Hauris *et al.* (U.S. Pat. No. 5,422,883).

Claims 50-51 and 55-56 are rejected under 35 U.S.C. §103(a) as being unpatentable over Iwata in view of Cortez *et al.*, and in further view of Sridhar *et al.* (U.S. Pub. No. 20020073226).

Claim 52 is rejected under 35 U.S.C. §103(a) as being unpatentable over Iwata in view of Cortez *et al.* and Sridhar *et al.*, and in further view of Hauris *et al.*

Claim 59 is rejected under 35 U.S.C. §103(a) as being unpatentable over Iwata in view of Hauris *et al.*, and in further view of Cortez *et al.*

§103(a) Rejection – Claims 32-35 and 40-44 – Iwata, Davies *et al.*, Cortez *et al.*

§103(a) Rejection – Claims 48, 53, and 57-58 – Iwata, Cortez *et al.*

§103(a) Rejection – Claim 59 – Iwata, Hauris *et al.*, Cortez *et al.*

Applicants respectfully submit that the various combinations of Iwata, Davies *et al.*, Hauris *et al.* and Cortez *et al.* do not disclose, teach, or suggest:

- Performing local span restoration if a physical link fails within an aggregated link
- Associating the physical links without affecting traffic

Accordingly, Applicants' have amended the independent Claims 32, 48, 53, and 59 to include these limitations. For example, Claim 32 has been amended include a limitation of "wherein said first and second of said plurality of physical lines are associated without affecting traffic" in the associating step, and a new step of "if one of said at least said first and second of said plurality of physical lines fails, performing local span restoration within said first aggregated link". Similar amendments have been incorporated into Claims 48, 53, and 59.

With regard to local span restoration, this functionality provides much faster restoration times and tolerance for failed lines in the network topology. Other links in the aggregate are available to support a failed connection. The connection is simply moved from the failed line to another working line within the same aggregated link.

With regard to associating without affecting traffic, Examiner has incorporated the Liu *et al.* reference for combination with Iwata, Davies *et al.*, and Cortez *et al.* to teach switching a link from a working path to a backup path for reassociation (in Claim 45). Applicants respectfully submit that a switch from a working path to a backup path does affect traffic since this is a physical act, i.e. a physical switch. The switch may be sub-50ms to minimize traffic impact, but nonetheless there is some measurable effect on the

traffic. Applicants perform associations, groupings, and reassociations without any effect on the traffic on the physical lines.

Based on the amendments and remarks herein, Applicants respectfully submit that the various §103(a) rejections have been traversed, and Applicants respectfully request withdrawal of these rejections.

CONCLUSION

Applicants would like to thank Examiner for the attention and consideration accorded the present Application. Should Examiner determine that any further action is necessary to place the Application in condition for allowance, Examiner is encouraged to contact undersigned Counsel at the telephone number, facsimile number, address, or email address provided below. It is not believed that any fees for additional claims, extensions of time, or the like are required beyond those that may otherwise be indicated in the documents accompanying this paper. However, if such additional fees are required, Examiner is encouraged to notify undersigned Counsel at Examiner's earliest convenience.

Respectfully submitted,

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